

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**REX ALLEN STRIPLIN et al.,**

**Plaintiffs,**

**v.**

**VAUGHN AND SONS TRUCKING,  
LLC, et al.,**

**Defendants.**

**Case No. CIV-19-57-G**

**ORDER**

Plaintiffs Rex Allen Striplin, Marci Striplin, and Kameron Striplin have filed this diversity action, alleging claims against Defendants Vaughn and Sons Trucking, LLC (“Vaughn”), Tracy Geer, and Central Marketing Transport Services, LLC (“CMTS”). *See* Am. Compl. (Doc. No. 12). On July 17, 2019, Plaintiffs filed a notice of voluntary dismissal of their claims against Defendant CMTS (Doc. No. 22). On November 5, 2019, Plaintiff Kameron Striplin filed a notice that he and Defendants had stipulated to the dismissal of all of his claims with prejudice. (Doc. No. 27).

Now before the Court is a Joint Stipulation (Doc. No. 28) filed on December 2, 2019, by Plaintiffs Rex Allen Striplin and Marci Striplin and Defendants Vaughn and Geer. The filing cites Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and “stipulate[s] that all claims of Plaintiffs should be dismissed with prejudice to any re-filing as against all Defendants.” Joint Stipulation at 1.

Rule 41(a)(1)(A)(ii) provides that an action may be dismissed “without a court order” through a plaintiff’s filing of “a stipulation of dismissal signed by all parties who

have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Here, the Joint Stipulation does not meet the requirements to serve as a self-executing dismissal under that Rule because it is not signed by Plaintiff Kameron Striplin or Defendant CMTS, who “have appeared” in this action. *See, e.g., Anderson-Tully Co. v. Fed. Ins. Co.*, 347 F. App’x 171, 176 (6th Cir. 2009).

Accordingly, the Court finds that the attempted Rule 41(a)(1)(A)(ii) dismissal was ineffective due to the lack of the cited signatures. Plaintiffs may file a new, properly signed stipulation or, if they are unable to obtain the requisite signatures, seek a court order of dismissal under Rule 41(a)(2).

IT IS SO ORDERED this 16th day of December, 2019.

  
CHARLES B. GOODWIN  
United States District Judge